



## NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

### OAH USE ONLY

VOLUME:

ISSUE:

**CHECK APPROPRIATE BOX:**

- ☒ Notice with a scheduled hearing  
☐ Notice without a scheduled hearing  
☐ Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.  
Previous publication of text was published in Volume:                      Issue:

**1. Rule-Making Agency:** NC Commission for Public Health

**2. Link to agency website pursuant to G.S. 150B-19.1(c):** <https://deq.nc.gov/permits-regulations/rules-regulations/proposed-rules>

**3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:**

- ☐ **ADOPTION:**
- ☒ **AMENDMENT:** 15A NCAC 18C .1305
- ☐ **REPEAL:**
- ☐ **READOPTION with substantive changes:**
- ☐ **READOPTION without substantive changes:**
- ☐ **REPEAL through READOPTION:**

**4. Proposed effective date:** 04/01/2020

**5. Is a public hearing planned?** ☒ Yes ☐ No

**If yes: Public Hearing date:** January 7, 2020

**Public Hearing time:** 10:00 AM

**Public Hearing location:** Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury Street, Raleigh NC 27604

**6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:**

**7. Explain Reason For Proposed Rule(s):**

The American Water Infrastructure Act (AWIA), which amended the federal Safe Drinking Water Act, was passed in late 2018. AWIA outlined requirements for some community water systems to complete a Risk and Resilience Assessment and also to develop an Emergency Response Plan. In August 2019, EPA released details of the federal compliance requirements in its "Emergency Response Plan Template and Instructions." Evaluation of the EPA template and instructions, revealed significant overlap with the state's .1305 rule for source water protection planning.

To reduce regulatory burden and allow public water systems to create and maintain one plan, rather than two separate plans addressing essentially the same, but not identical, state and federal requirements, the Commission for Public Health is proposing to revise the requirements for source water protection planning for systems that: (i) comply with AWIA requirements, and (ii) assess risk from potential contaminant sources within the state-specified areas currently codified in this rule. These revisions will eliminate unnecessary duplication for many of the state's public water systems.

**8. Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

☐ Rule(s) is automatically subject to legislative review. Cite statutory reference:

**9. The person to whom written comments may be submitted on the proposed rule(s):**

**Name:** Jay Frick

**Address:** 1634 Mail Service Center, Raleigh NC 27699

**Phone (optional):**

**Fax (optional):**

**E-Mail (optional):** jay.frick@ncdenr.gov

**10. Comment Period Ends: January 31, 2020****11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- ☒ State funds affected
- ☒ Local funds affected
- ☐ Substantial economic impact ( $\geq \$1,000,000$ )
- ☒ Approved by OSBM
- ☐ No fiscal note required

**12. Rule-making Coordinator:** Jennifer Everett

**Phone:** 919-707-8614

**E-Mail:** jennifer.everett@ncdenr.gov

**Additional agency contact, if any:** Jay Frick

**Phone:** 919-707-9102

**E-mail:** : jay.frick@ncdenr.gov

**13. The Agency formally proposed the text of this rule(s) on  
Date: November 6, 2019****14. Signature of Agency Head\* or Rule-making Coordinator:**

\_\_\_\_\_  
**Typed Name:** Jennifer Everett  
**Title:** DEQ Rulemaking Coordinator

*\*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.*